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OF 1002

IN THE HON'BLE HIGH COURT OF CHHATTISGARH, BILASPUR (C.G.)

WRIT PETITION NO.602 (S)/2007

PETITIONER : **Jitendra Kumar Verma**, S/o. Jeevan Lal Verma, aged about 24 years, working as Shiksha Karmi Class-3, at Government Primary School, Pendravan, R/o. Village Dodki, Post Chicha, Tahsil Dhamdha, District Durg (C.G.)

P.R. No. 280/07 Prosecution Section dated 31/1/07

VERSUS

RESPONDENTS : 1. **State of Chhattisgarh**, Through- the Secretary, Department of Panchayat, D.K.S. Bhawan, Raipur (C.G.)

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2. The Chief Executive Officer, Janapad Panchayat Dhamdha, District Durg (C.G.)

OATH COMMISSIONER APARNA MALVIYA 5/10/07

WRIT PETITION UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT/WRITS, ORDER/ORDERS, OR/AND DIRECTION / DIRECTIONS IN THE NATURE OF MANDAMUS/CERTIORARI, OR OF ANY OTHER APPROPRIATE NATURE.

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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

Single Bench : Hon'ble Shri Satish K. Agnihotri, J.

W. P. (S) No. 602 of 2007.

Petitioner — Jitendra Kumar Verma

Versus

Respondents — State of Chhattisgarh and others.

Shri M.P.S. Bhatia, counsel for the petitioner.
Shri Sushil Dubey, G.A., for the State/ respondents.

ORDER

(Passed on 31st of January, 2007)

The petitioner was appointed as Shiksha Karmi Grade-3, vide order dated 19.07.2006 (Annexure-P/2). According to the petitioner, he continued in service without pay. In the meantime, the petitioner was placed under suspension vide order dated 04.01.2007 (Annexure-P/1) passed by Chief Executive Officer, Janpad Panchayat, Dhamdha on the ground that the petitioner has produced false experience certificate. Learned counsel for the petitioner submits that this order was passed without any material. Petitioner has submitted his certificate issued by the competent officer and the order appears to be a political one.

(2) Be that as it may, pending enquiry suspension order has been passed to keep the petitioner away. It is well settled principle of law that the suspension is temporary and it does not involve punishment with evil consequences. Suspension means a temporary deprivation of the functions not amounting to any reduction of his rank or his status. The employee under suspension continues to be a Government Servant, he is not permitted to work keeping in view pendency of departmental enquiry to

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avoid undue influence in the proceedings of departmental enquiry and likely tampering with on records.

(3) At this stage, I cannot examine the allegations, if any, made against the petitioner to prejudice the enquiry contemplated to be initiated against him. The petitioner is at liberty to put forward his case at length before the Enquiry Authority in enquiry proceedings, if any. It is expected that the enquiry may be concluded as early as possible.

(4) With the above observations, the writ petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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